

Berlin Planning Board

January 6, 2015

Members Present: Chair Ernie Allain, Members Greg Estrella, Aline Boucher, Mark Evans, Tom McCue, Martha Creegan, Lori Langlois; Ex-Officio Members Lucie Remillard, Sue Tremblay and Alternate Member John White.

Others present: Community Development Director Pam Laflamme; Art York, York Land Services; Applicant Paul Croteau; and Barbara Tetreault *Berlin Daily Sun*

Public Comments: none

Approval of December Minutes

Mr. Evans moved to approve the minutes. Ms. Langlois suggested that a reference to “Joe” and “Linda” should have last names for clarification. Mr. Evans withdrew his motion. Mr. Evans moved to approve the minutes as amended with the clarification to add the last names of Joe Martin and Linda White; Ms. Remillard seconded and the motion carried.

Design Review Parking Facility on Jericho Road

Ms. Laflamme noted that in this design review, there is nothing binding upon the board or the future applicant. No motions will be made; the proposal is presented for discussion only.

Mr. York showed a plan with a 4.5 acre parcel on Route 110 across from where the former Isaacson Structural Steel building. The vacant property is on the south side of Jericho Road and the only building on it is a barn. Mr. Croteau wants to fence in the property and park vehicles there. These would be cars that have been impounded or repossessed and they will only be parked for a period of time. No work on the cars will take place at this site. Mr. Croteau indicated that there would be no sign for the business and the public will not be allowed on the site, only the police and repossession company will be allowed to enter the site.

Ms. Remillard confirmed that the fence will be on Route 110; it will be a wood fence blocking visibility. Ms. Laflamme asked what will keep people out on the west side where vegetation will mark the boundary. Mr. Croteau stated that nothing will keep them out if they really want to get in. There will be video monitoring and lighting on the property.

Mr. Croteau stated that he has no intention of adding a building at this time. The barn will be used for the storage of tires. Ms. Laflamme questioned whether there are any DES regulations for liquids that may come out of a damaged car. Mr. Croteau said that he uses pizza trays to absorb leaking material and he keeps a 55 gallon drum for waste oil. Ms. Creegan asked who regulates that part of the business. Mr. Croteau stated that the pizza trays can go in the garbage and a recycle company will pick up waste oil or he can burn it for heat.

Mr. Estrella asked if the terrain will be leveled. Mr. Croteau indicated that there is ledge and the side of the mountain that will not be changed. Mr. Estrella asked about drainage and Mr. Croteau stated that Isaacson put in culverts for drainage. Chair Allain asked how snow will be stored and Mr. Croteau replied that it will be kept on site and plowed to the back.

Mr. Croteau reported that the fence will be 20 feet back from the roadway. Mr. McCue asked if there are any abutting residential buildings saying that he is concerned with having a six foot fence. He recommended that both Police and Fire Departments be contacted to review the proposal for security and safety reasons. Mr. McCue commented that he would like more information from DES on what is necessary to run such a business. Mr. Croteau said that accident vehicles could sit on the lot until an insurance settlement is reached. If a storage fee is charged, the State will offer an auction title so that the vehicle can be disposed of.

Ms. Laflamme asked what assurances the city has that there will not be a junk operation behind the fence. Mr. Croteau stated that with a phone call, he would let Mr. Martin onto the property. Ms. Laflamme said that the City would likely be more comfortable with a chain link fence to that the operation could be viewed from the road. Mr. Croteau said that he paid a price for running a junk yard at Rocket Snowmobile; he did not continue to run a junk yard after that. The vehicles on his lot will be registered, inspected, and waiting for pick up. He stated that he is not doing junk cars.

Mr. McCue asked if there are zoning issues and Ms. Laflamme replied that in Business General (BG) parking facilities are allowed. There are however, very specific parking regulations for the downtown and she wants a definitive answer on whether the strict regulations apply to BG.

Mr. McCue stated that if auctions are going to be held on the property, it would pose a concern because it is a different use where the public would be coming and going on a regular basis. Mr. Croteau stated that one to three auctions per year are allowed; however he would likely take the cars to Ossipee to be auctioned where he would likely get more business. Mr. McCue stated that he envisions a junk yard since a license is needed for having more than one unregistered vehicle. Mr. Croteau assured the board again that this is not a junk yard.

Mr. Croteau asked about others who run a business seemingly without being permitted. Ms. Laflamme stated that anything prior to 1999 is legally non-conforming and anything new is subject to current zoning regulations. Mr. Croteau asked how a towing company operates out of a house and Ms. Laflamme replied that the situation is being addressed.

Mr. McCue suggested that a zoning special exception would run with the land and if there was a junk yard it could be addressed. Ms. Laflamme noted that the Planning Board's conditions also run with the land. Mr. York stated that he was under the impression that the fence could be no higher than six feet and Ms. Laflamme said that with a special exception, it could be higher.

The next meeting is February 3 and the path forward is that Mr. Croteau will talk to police and fire departments. The City will talk with DES to see if there is a need for oversight and review downtown parking regulations to see if they apply to BG. There could possibly be a decision at the February meeting.

Chair Allain speculated that a junk car could stay on the lot for up to one year. He asked if used parts would be sold. Mr. Croteau said that a car that remains on the lot for that long turns into a junk car. He takes the tires and fuel and sells the car for junk at \$300 to \$500 per car. He puts the tires in the barn. Mr. Croteau said that he is not set up to sell parts.

Unmerging of Lots

Ms. Laflamme explained that in the 1950's and 60's Mr. Normand W. Roy acquired several parcels on Wight Street and Alice Street. Over time all the parcels became one lot and the Roy's received one tax bill. They did not take steps to voluntarily merge the lots. State statute dictates that until the end of next year (2016), properties that were merged without request will be unmerged if the property owner so chooses. There are two primary houses on the lot which currently fronts on Wight Street and the deeds are very complicated. There is also a right of way involved.

Ms. Creegan moved to return all lots that were acquired by Normand W. Roy to the configuration prior to the merged lot as per the deeds attached to the minutes; Mr. Evans seconded and all voted in favor.

Ms. Remillard moved to merge the newly configured parcels by their book and page recording information, the first lot merger merges book 470 page 132 with book 434 page 322. There is no change to the right of way and the frontage remains on Wight Street; Mr. Evans seconded and the motion carried.

Ms. Remillard moved to merge the remaining parcels known as book 787 page 876, book 391 page 310 and book 355 page 298. Again there is no change to the right of way and the new lot will front on Alice Street; Mr. Evans seconded and the motion carried.

Master Plan

Ms. Laflamme reported that we are close to the five year mark with the Master Plan and the Board should go through review the goals and projects laid out in the plan to assess the progress of the first five years. The City Manager has discussed reviewing the Vision Statement as well. The City Department Heads will be doing work on aligning goals at an administrative level and this could be a touch stone for the work being done. We will look at accomplishments and choose a chapter each month, likely to start in March.

Project Updates

AHEAD had their open house at Notre Dame and the work is amazing. People at the open house were excited about the historic features that remained in the renovation including the chalk boards that were re-purposed as message boards in the hallways. The project was on time and within budget.

Bartlett School is being refurbished into residential housing as well. TKB has hired a general contractor and they are moving ahead with the project. The target for completion is in the fall.

A final agreement has been signed with PSNH to put install a welcome sign on their property at the entrance to the City; construction will begin in the spring.

The high school is building a recreation/storage building on Gilbert Street. The police department will be taking over the basement space currently used by the Recreation crew for vehicle storage and repair and this will eliminate the need for the Police Department to build an impound building.

There are still plans for a skate park, which money was allocated for from the sale of land to PSNH however the storage building was a priority and the costs for each project were only estimates. The skate park plan will be included in the capital budget for the next fiscal year.

Mr. McCue questioned whether the Hutchins Street project will make use of the existing road bed. Ms. Laflamme replied that a portion of the property that the City would have used to straighten the road is owned by NADC and still being studied by the EPA in regards to its proximity to the current Superfund site. Building in place is the best solution. Mr. McCue asked if the problem with bark having been used for roadway base will still exist after the rebuild. Ms. Laflamme indicated that they will add a binder to the base to expand into any pockets and to keep the newly installed base from sinking.

CIP

The CIP will be available on line for board members who want to read it in greater detail. State Statute requires that the CIP be reviewed each year by the Planning Board prior to going to the legislative body. There are summary sheets in the document that list projects by year and there is a corroborating project sheet for each individual project. The document acknowledges that there are needs in the community. None of these projects are currently funded; they will have to go through the Fiscal Year 2016 budget process. Ms. Creegan suggested a project to bury electrical wires.

Ms. Creegan moved to accept the plan as presented and to ask the council to do its due diligence and fund projects as they see fit; Ms. Remillard seconded and the motion carried with all in favor.

Public Comments – there were no comments.

Member Comments

Ms. Langlois suggested a drone to observe the property boundary for perambulation.

Planner Comments

There was a schedule change the 2015 Planning Board meeting schedule for September where the meeting will be the first Tuesday in September or September 1.

Thursday, January 29, 2015 North Country and NH Listens will do a facilitator training at NCES on Gorham Hill. There is a \$40 cost and the program will teach facilitation skills especially around dealing with controversial or difficult subject matters in public meetings.

The North Country Council's final report "Plan for NH North Country" is now posted on their web site.

Ms. Remillard moved to adjourn; Ms. Boucher seconded and the motion carried. The meeting ended at 8:20 p.m.

Respectfully Submitted,
Susan Tremblay